

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

FEB 24 2018

David J. Bradley, Clerk

United States of America)

Nelson AVILA, YOB: 1999; (Mexican Citizen)
Yulissa LOZANO-Martinez, YOB: 1997
(Mexican Citizen)

Case No.

M-18-0401-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 23, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841
21 U.S.C. § 952Possession with Intent to Distribute Cocaine
Illegal Importation of Cocaine

This criminal complaint is based on these facts:

On February 23, 2018, Nelson AVILA and Yulissa LOZANO - Martinez were detained attempting to enter the United States through the Hidalgo, Texas Port of Entry with approximately 23.7 kilograms of cocaine concealed inside the gas tank of the vehicle AVILA was driving.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Appears,
R. Cuellar
MSAJesus R. Cuellar
Complainant's signatureJesus R. Cuellar, U.S., HSI TFO
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/24/2018

4:05 pm

Peter Ormsby
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Judge Peter Ormsby
Printed name and title

ATTACHMENT A

On February 23, 2018, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in McAllen, Texas received a request for investigative assistance from the U.S. Customs and Border Protection/Office of Field Operations (CBP/OFO) at the Hidalgo Port of Entry (POE) in Hidalgo, Texas. Customs and Border Protection Officers (CBPOs) detained Nelson AVILA-Lujano (hereafter AVILA) and Yulissa Lozano - MARTINEZ (hereafter LOZANO) after discovering 20 packages containing a white powdery substance, and weighing a total of 23.8 kilograms (kg), concealed within non-factory compartments inside the gas tank of a vehicle AVILA was driving when applying for entry into the U.S.

CBPOs referred the vehicle for a CBP Land Border inspection. During primary inspection, AVILA stated he and LOZANO were traveling to the U.S. to shop in the U.S. During secondary inspection, a non-intrusive X-ray inspection (Z-portal) of the vehicle was utilized and discovered anomalies located in the gas tank area of the vehicle. CBPOs recovered 20 packages of white powdery substance within the gas tank of the vehicle which field-tested positive for the properties of cocaine.

HSI Special Agents and a HSI Task Force Officers (TFO) interviewed AVILA and LOZANO who provided (post-Miranda) statements regarding the purpose and details of their travel into the U.S. from Mexico. AVILA and LOZANO stated they were hired by unidentified individuals (U/I) to transport a vehicle into the U.S.

AVILA stated that during previous trips into the U.S., he was instructed to drive to a specific store in the Hidalgo area, and provide the keys to the vehicle to an U/I. AVILA stated he was then provided a temporary vehicle to utilize for approximately 1.5 hours. AVILA stated he would then return the vehicle to the U/Is, retrieve the keys to the vehicle which he crossed into the U.S, and return to Mexico for payment by an U/I.

AVILA stated he hired LOZANO to accompany AVILA to the U.S. AVILA stated LOZANO would be compensated approximately \$200 U.S. currency. AVILA stated he would be compensated \$200 U.S. currency for driving the vehicle into the U.S. AVILA stated he did not have access to the vehicle other than the times he was directed to cross into the U.S. by the U/I. LOZANO stated she was compensated in U.S. currency, clothing and household goods by U/I's in Mexico.

AVILA and LOZANO stated they believed the vehicle was loaded with illegal narcotics.